

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE
MIDDLE DISTRICT OF ALABAMA, NORTHERN DIVISION

GINNIFER WYATT,)	
)	
Plaintiff,)	
)	CIVIL ACTION NO.
v.)	2:19cv154-MHT
)	(WO)
MONTGOMERY COUNTY PUBLIC)	
SCHOOLS, et al.,)	
)	
Defendants.)	

OPINION

Plaintiff filed this employment-discrimination lawsuit against three defendants. She attempted to serve the summons and complaint on the three defendants by certified mail, and service was successful as to two. The court received a return-receipt card signed by someone at the address for the third defendant--the State of Alabama Department of Education ("ADOE"). However, it is unclear who signed the card and whether the service was sufficient under the Federal Rules of Civil Procedure. See Order (doc. no. 25). When the deadline for the ADOE to file an answer to the

complaint passed with no response, plaintiff did not file motions for entry of default and for default judgment, as one would typically do when a defendant who has been properly served fails to file an answer or other response to the complaint. See Fed. R. Civ. P. 55(a) & (b). Nor did she file proof of proper service or ask for more time to effect service, although she was warned that she was at risk of having her claims against the ADOE dismissed if she did not show proper service. See Orders (doc. nos. 19, 24, and 25).

This lawsuit is now before the court on the recommendation of the United States Magistrate Judge that plaintiff's case be dismissed without prejudice as to the ADOE for failure to perfect service, failure to prosecute, and failure to comply with the orders of the court. There are no objections to the recommendation. After an independent and de novo review of the record, the court concludes that the magistrate judge's recommendation should be adopted.

An appropriate judgment will be entered.

DONE, this the 31st day of October, 2019.

/s/ Myron H. Thompson
UNITED STATES DISTRICT JUDGE